

REMARKS

Claim 11 has been amended to obviate the §112 rejection. Claims 3, 4, 7, 8 and 12 have been amended to employ more idiomatic English and provide better antecedent basis for claim language. No new matter has been added by the aforementioned change.

Turning to the art rejections, the Examiner rejects claim 11 under 35 USC §103(a) as being unpatentable over (1) Furushima et al. (US Patent No. 5,410,423), (2) Sakai et al. (US Patent No. 6,222,603), or (3) Lee et al. (US Patent Application Publication No. 2001/0022645). All three rejections are in error. As the Examiner is well aware, “[o]bviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor.” *Paragon Ordnance Manufacturing, Inc. v. SGS Importers International, Inc.*, 73 F.3d 1085, 37 USPQ2d 1237 (Fed. Cir. 1995).

The Examiner states that each of these references “may or may not” disclose that the air forming members are formed with the auxiliary member. Nevertheless, the Examiner asserts it would be obvious to form these two elements together because of the efficiency of making them together. (Final Action at ciphers 4-6). It is submitted that the Examiner has employed impermissible hindsight, and has applied the teachings of the present invention to the prior art to make out a case of obviousness. Clearly, if the Examiner cannot even decide if any of the applied art teach that the air forming members are formed with the auxiliary members, how can the Examiner conclude that the air forming members are formed with the auxiliary member or that the air outlet forming member is connected to the injection inlet as required by claim 11?

In Furushima et al., the dummy seal 4 surrounds six separately sealed liquid crystal panels 8. FIGs. 1, 3 and 4. Like Furushima et al., Lee et al., teaches forming an auxiliary seal

HAYES SOLOWAY P.C.
130 W. CLUSHING STREET
TUCSON, AZ 85701
TEL 520.882.7623
FAX 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL 603.668.1400
FAX 603.668.8567

line 220 around six separately sealed (210) liquid crystal panels. FIGs. 7 and 9C. It is not understood how the Examiner proposes to connect the dummy seal with each of the six seals to form an air forming member as required by claim 11.

Sakai et al. teaches forming a dummy seal pattern 11 around the seal pattern 6. Sakai et al. does not teach forming air outlet members in the dummy seal pattern. Sakai et al., if anything, teaches away from forming the air outlet members as claimed. According to Sakai et al., the purpose of the dummy seal patterns are to support the upper substrate and create a more uniform gap between the substrate. Removing the seal pattern 6 and the dummy seal pattern in the same area could possibly weaken support in that area and upset the uniformity of the gap. Therefore, it would not be obvious from Sakai et al. to form an air outlet member as required by claim 11.

Claim 12 is rejected under 35 USC §103(a) as being unpatentable over Sakai et al. or Lee et al. Claim 12 depends directly on claim 11 and is allowable for the same reasons as stated above, as well as for its own additional limitations.

The rejection of claims 1, 3, 4, 6, and 9-12 under 35 USC §103(a) as being unpatentable over Lee et al. in view of Ishiwata et al. (US Patent No. 5,858,482) also is in error. The deficiencies of Lee et al. in regards to claims 11 and 12 were discussed *supra*.

Independent claims 1 and 10 are similar to claim 11, and also require that "said air outlet forming members are formed therein with an air outlet auxiliary member for forming an air outlet." As noted above, Lee teaches sealed liquid crystal panels with multiple open holes 222 in the seals 210. Six of these sealed liquid crystal panels are located inside one auxiliary

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Serial No. 10/629,185
Docket No. NEC 219824
Amendment B Under Rule 116

seal line 220. Thus, it would not be obvious to form an air forming member with an air outlet auxiliary member as required by claims 1 and 10.

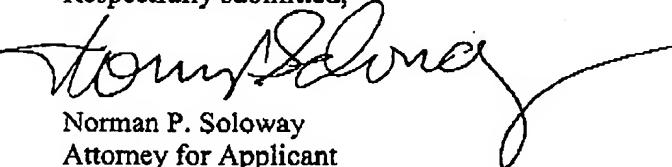
Ishiwata et al. does not provide the missing teachings of Lee et al. Ishiwata et al. does not teach an auxiliary member and thus cannot teach claim 11 requirement of "said air forming members is formed with said auxiliary member" or the similar feature of claims 1 and 10.¹ Thus, claims 1, 10 and 11 are not achieved nor rendered obvious over the combination of Lee et al. and Ishiwata et al.

Claims 3, 4, 6, 9 and 12 depend directly or indirectly on claims 1, 10 and 11 and are allowable for the same reasons as stated above, as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,


Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

¹ The remarks section of Applicant's Amendment A contained a typographical error in the statement regard Ishiwata. Applicant's remarks regarding Ishiwata et al. should have read "Ishiwata et al. teaches a sealing member around the LCD but not an auxiliary member around the seal."

CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to EXAMINER ANDREW SCHECHTER of the United States Patent and Trademark Office at facsimile number (703) 872-9306, on June 15, 2005 from Tucson, Arizona.

By 

NPS/WPO:sm

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8557